## 1NC

### OFF - 1

2. The OBJECT of the action is the judge as an analyst, not widespread production for development of energy in the United States.

DCSA (Division of Conservation of Solar Application), Pacific Northwest Laboratory, 1980 “An Analysis of Federal Incentives used to Stimulate Energy Production”

<http://www.scribd.com/doc/67538352/Federal-Incentives-for-Energy-Production-1980> p42

Discussing governmental actions In a field that lacks consistent Policy is difficult, since boundaries defining energy actions are unclear. All governmental actions probably have at least some indirect relevance to energy. If a consistent Policy did exist, the discussion could focus on those actions that were part of the planned and consistent program. For this analysis, however, boundaries must be somewhat arbitrarily defined. First, this discussion will include only those actions taken by the Federal Government; relevant actions of state and local governments are not considered. Second, the discussion covers only those Federal Government actions in which major causes included an attempt to Influence energy or major effects included some Influence on energy. Within those limits, the discussion considers actions related to both production and consumption, although production receives the most emphasis. It also includes actions relating to both increases and decreases In energy consumption or production. Energy production Is defined as the transformation of natural resources into commonly used forms of energy such as heat, light, and electricity. By this definition, the shining of the sun or the running of a river are not examples of energy production, but the installation of solar panels or the construction of a hydroelectric dam are. Energy consumption is defined as the use of one of these common, "manufactured" forms of energy. Under this definition sunbathing is not energy consumption, but heating water by means of a solar panel is. In both definitions, the crucial ingredient is the application of technology and resources to change a natural resource into a useful energy form.

### OFF – 2

The affs use of the political as the background for their ethical action is the ultimate unethical act

Adam Thurschwell (Asst. Prof. of Law, Cleveland State University) 2003 24 Cardozo L. Rev. 1193

Thus, as Derrida puts it, "ethics enjoins a politics and a law ... . but the political or juridical content that is thus assigned remains undetermined, still to be determined beyond knowledge, beyond all presentation, all concepts ... ." n26 No determinate content issues from the ethical demand because ethics, in Derrida's (and Levinas's) sense, is non-normative. To derive a legal or political rule of decision from one's ethical responsibility would be, paradoxically, to displace that responsibility onto a "calculation," and thus would itself be unethical precisely to the extent that it relieves one of further responsibility for the decision in any given case. Ethics therefore demands a legal/political decision that can only rest on something like a "mystical foundation," n27 since such a decision cannot be founded on any determinable rules, reasons or values without abandoning its claim to ethical status. Accordingly, the legal/political decision can only be "determined beyond knowledge, beyond all presentation, all concepts" n28 - which is to say, determined on the basis of something that resembles pure faith.

Their focus on the atrocities that the government creates because of things like subsidies ignores and trades off with recognizing our own personal complicity with violence. Only by refusing to make statements like “the United States Federal Government should” allows us to transform our own personal will to violence that is the root of their impacts

Susanne Kappeler (Associate Professor at Al-Akhawayn University) 1995 The Will to Violence: The Politics of Personal Behaviour, pg. 75-76

War does not suddenly break out in a peaceful society; sexual violence is not the disturbance of otherwise equal gender relations. Racist attacks do not shoot like lightning out of a non-racist sky, and the sexual exploitation of children is no solitary problem in a world otherwise just to children. The violence of our most commonsense everyday thinking, and especially our personal will to violence, constitute the conceptual preparation, the ideological armament and the intellectual mobilization which make the 'outbreak' of war, of sexual violence, of racist attacks, of murder and destruction possible at all. 'We are the war', writes Slavenka Drakulic at the end of her existential analysis of the question, 'what is war?': I do not know what war is, I want to tell [my friend], but I see it everywhere. It is in the blood-soaked street in Sarajevo, after 20 people have been killed while they queued for bread. But it is also in your non-comprehension, in my unconscious cruelty towards you, in the fact that you have a yellow form [for refugees] and I don't, in the way in which it grows inside ourselves and changes our feelings, relationships, values - in short: us. We are the war . . . And I am afraid that we cannot hold anyone else responsible. We make this war possible, we permit it to happen.5 'We are the war' - and we also 'are' the sexual violence, the racist violence, the exploitation and the will to violence in all its manifestations in a society in so-called 'peacetime', for we make them possible and we permit them to happen. 'We are the war' does not mean that the responsibility for a war is shared collectively and diffusely by an entire society - which would be equivalent to exonerating warlords and politicians and profiteers or, as Ulrich Beck says, upholding the notion of'collective irresponsibility', where people are no longer held responsible for their actions, and where the conception of universal responsibility becomes the equivalent of a universal acquittal.6 On the contrary, the object is precisely to analyse the specific and differential responsibility of everyone in their diverse situations. Decisions to unleash a war are indeed taken at particular levels of power by those in a position to make them and to command such collective action. We need to hold them clearly responsible for their decisions and actions without lessening theirs by any collective 'assumption' of responsibility. Yet our habit of focusing on the stage where the major dramas of power take place tends to obscure our sight in relation to our own sphere of competence, our own power and our own responsibility — leading to the -well-known illusion of our apparent 'powerlessness' and its accompanying phenomenon, our so-called political disillusionment. Single citizens — even more so those of other nations - have come to feel secure in their obvious non-responsibility for such large-scale political events as, say, the wars in Croatia and Bosnia-Hercegovina or Somalia - since the decisions for such events are always made elsewhere. Yet our insight that indeed we are not responsible for the decisions of a Serbian general or a Croatian president tends to mislead us into thinking that therefore we have no responsibility at all, not even for forming our own judgement, and thus into underrating the responsibility we do have within our own sphere of action. In particular, it seems to absolve us from having to try to see any relation between our own actions and those events, or to recognize the connections between those political decisions and our own personal decisions. It not only shows that we participate in what Beck calls 'organized irresponsibility', upholding the apparent lack of connection between bureaucratically, institutionally, nationally and also individually organized separate competences. It also proves the phenomenal and unquestioned alliance of our personal thinking with the thinking of the major powermongers. For we tend to think that we cannot 'do' anything, say, about a war, because we deem ourselves to be in the wrong situation; because we are not where the major decisions are made. Which is why many of those not yet entirely disillusioned with politics tend to engage in a form of mental deputy politics, in the style of 'What would I do if I were the general, the prime minister, the president, the foreign minister or the minister of defence?' Since we seem to regard their mega spheres of action as the only worthwhile and truly effective ones, and since our political analyses tend to dwell there first of all, any question of what I would do if I were indeed myself tends to peter out in the comparative insignificance of having what is perceived as 'virtually no possibilities': what I could do seems petty and futile. For my own action I obviously desire the range of action of a general, a prime minister, or a General Secretary of the UN — finding expression in ever more prevalent formulations like 'I want to stop this war', 'I want military intervention', 'I want to stop this backlash', or 'I want a moral revolution.'7 'We are this war', however, even if we do not command the troops or participate in so-called peace talks, namely as Drakulic says, in our 'non-comprehension': our willed refusal to feel responsible for our own thinking and for working out our own understanding, preferring innocently to drift along the ideological current of prefabricated arguments or less than innocently taking advantage of the advantages these offer. And we 'are' the war in our 'unconscious cruelty towards you', our tolerance of the 'fact that you have a yellow form for refugees and I don't' - our readiness, in other words, to build identities, one for ourselves and one for refugees, one of our own and one for the 'others'. We share in the responsibility for this war and its violence in the way we let them grow inside us, that is, in the way we shape 'our feelings, our relationships, our values' according to the structures and the values of war and violence.

### OFF - 3

We negate the Third Circuit Court decision in New Jersey Department of Environmental Protection v. United States Nuclear Regulatory Commission as a way of sublimating the trauma of 9/11 through the following CP planks:

Appeals Courts will overturn New Jersey Department of Environmental Protection v. United States Nuclear Regulatory Commission and rule that the reinstated terrorism studies must be undertaken from a perspective of sublimation.

Obama will give a speech supporting the removal of terrorism studies on nuclear plants as a way of sublimating the trauma of 9/11.

### OFF - 4

Obama winning now – only an error lets Romney win

James Downie, “Obama Will Still Win the Election,” Real Clear Politics, October 5, 2012, <http://www.realclearpolitics.com/2012/10/05/obama_will_still_win_the_election_292083.html>, accessed 10-5-2012.

If Romney would have to pull off a miracle to close the gap in national polling, he has no shot at matching the president in the electoral college. As mentioned above, forecasters commonly predict that Obama already has a big lead of safe and leaning states. If we assume Romney will improve in the polls, there would be around nine “swing states”: Colorado, Florida, Iowa, North Carolina, New Hampshire, Nevada, Ohio, Virginia and Wisconsin. There’s one problem here for Romney: He is trailing, and has been consistently trailing, in all but two — North Carolina, where he’s held a small lead, and Florida, this election’s closest thing to a 50-50 state. Romney doesn’t need to win two out of those nine; in almost every scenario, he will need six or seven out of those nine to win, including at least two or three states where he is behind by several points more than he is nationally. All of which brings me to the final point: Given the state of the race before last night’s debate, even most Romney backers would agree that a Romney victory would require a flawless campaign the rest of the way from Romney and a blunder or two from Obama. After six years of both these men running for and/or being president of the United States, is there really anyone out there who thinks Mitt Romney can go a month without making a single mistake? Who thinks Barack Obama, who has been playing it safe for at least several months now, will suddenly make a reckless error, as opposed to a merely lackluster performance? (Or, if you’re Sean Hannity and co., do you believe the lamestream media will suddenly forget their liberal bias and stop protecting the president while assaulting Mitt Romney?)

Weak positions on terrorism give Romney an opening to win

Jack Goldsmith, a former assistant attorney general in the Bush administration, is a professor at Harvard Law School and a member of the Hoover Institution task force on national security and law, “Obama’s weak spots on counterterrorism are open to Romney,” Washington Post, April 26, 2012, <http://www.washingtonpost.com/opinions/obamas-weak-spots-on-counterterrorism-are-open-to-romney/2012/04/26/gIQAJ42zjT_story.html>, accessed 10-7-2012.

Romney could also attack Obama for lacking an effective policy for detaining current terrorist threats, as the administration is ending its detention operations in Afghanistan and refuses to send newly captured suspects to Guantanamo. Romney could press the president for cutting back too much, and more than the law requires, on terrorist interrogation. Although there is legitimate room for Romney to attack Obama’s counterterrorism ­stances, he runs the danger of going too far. Romney has gone beyond defending Guantanamo and military commissions to suggest that detainees at Gitmo should not have any constitutional rights — a suggestion that flies in the face of a 2008 Supreme Court ruling ( Boumediene v. Bush ) that Guantanamo detainees have at least the constitutional right to habeas corpus, and maybe more. Romney and his aides also refuse to rule out the possibility that as president he would deploy waterboarding as an interrogation technique, a position hard to square with two congressional laws and a 2006 Supreme Court ruling ( Hamdan v. Rumsfeld ) that together effectively ban the practice. The perception that the president is constrained by law is vital to the success of counterterrorism policies in courts and cooperation on counterterrorism issues with allies. The opposite perception harmed President George W. Bush in both contexts. Obama has had more success in these contexts despite continuing most of the late Bush-era policies. Obama succeeded in part because he won office having campaigned on restraint in counterterrorism policy and in part because, once in office, his administration acknowledged the limits of presidential authority and the importance of adhering to law in executive orders, litigation positions, speeches and other acts. Romney must bear these lessons in mind. He will have many chances to attack Obama’s counterterrorism positions on the campaign trail. But in pressing his advantage, Romney should respect established legal limits and convey a responsible conception of the presidency. The reputation that Romney develops on these matters the next six months will inform how his policies fare should he become president.

2 internal links – Romney will label china a currency manipulator and Obama will do it if he’s going to lose

Dawson and Mason, 12

Stella and Jeff, Columnists @ Reuters, 2/13, http://www.reuters.com/article/2012/02/13/us-usa-campaign-obama-china-idUSTRE81C0DG20120213

Tough calculus for Obama in Chinese leader's election-year visit¶ Even as he greets China's vice president in the Oval Office on Tuesday, President Barack Obama is quietly overhauling U.S. economic policy toward Beijing, looking for new ways to extract results on issues such as market access and currency manipulation that have bedeviled him and his predecessors.¶ Obama's need to boost U.S. exports and show he can be firm with China, and his simultaneous hopes for a smooth start with Vice President Xi Jinping, who is due to become China's leader in 13 months, illustrate the conflicting tugs on Washington's China policy.¶ Making the calculus even more complicated, Xi arrives in the middle of a U.S. election year, in which Obama's dealings with Beijing are a popular punching bag for Republican presidential candidates aiming to challenge the Democratic incumbent.¶ Xi is getting the full Washington tour: visits to the State Department, Pentagon and Capitol Hill, as well as meetings with U.S. and Chinese business leaders.¶ But he won't be offered the complete red-carpet treatment. For all his power within the Chinese system, Xi is still for now No. 2, leader-in-waiting behind outgoing President Hu Jintao.¶ Obama's aides say the visit will produce few, if any, formal agreements. Rather they expect the president and Xi to size one another up. There will be firm talk from Obama on U.S. gripes, and perhaps from Xi as well.¶ While there has been progress in increasing U.S. exports to China, "we've also raised very directly instances where we believe that China is not living up to the rules of the road that all nations need to with regard to business practices," deputy national security adviser Ben Rhodes told reporters.¶ POLICY AND POLITICS¶ China is not beloved by the American electorate. Its trade and currency policies are blamed for job losses in the U.S. manufacturing sector that hit important election battleground states such as Ohio especially hard. Beating up on Beijing is an easy way for candidates from both parties to score political points. Obama knows that, and he set the stage for tough talk at the Asia-Pacific summit in Hawaii in November, telling China to act like a "grown-up" by reforming trade and currency practices viewed as detrimental to the U.S. economy.¶ U.S. leverage over Beijing is limited, since China holds hundreds of billions of dollars of U.S. debt.¶ Still, the policy review, described by an official who recently left the Obama administration, is aimed at finding new ways of getting results on limits to U.S. market access, China's use of state-owned corporations, the valuation of its yuan currency, which U.S. officials see as artificially low, and related issues.¶ In his State of the Union address last month, Obama announced a new enforcement unit that will investigate unfair trade practices. China will likely be a major target.¶ Republicans do not see a lot that is working. Mitt Romney, the apparent front-runner in the race for the Republican presidential nomination, has said Obama is not being tough enough. He promised to label China a currency manipulator - something the Obama administration has declined to do.¶ In a speech to technology executives on Friday, Romney slammed China's "autocratic model" of capitalism, and said that China's rise could ultimately threaten U.S. freedom.¶ Such criticism has gained traction on the campaign trail.¶ "China is just a drop in the bucket in terms of things the Obama administration is doing wrong," said Chrystalline Lauryl, 35, who was attending a conservative conference in Washington where the Republican candidates were speaking.¶ "There's friendly and there's buttering up," she said with regard to China policy. Obama, she said, was doing the latter.¶ The president's political advisers are aware that Xi's visit could trigger more attacks on the president's record, and they are ready with a string of comebacks about Romney's own record on the subject.¶ They point out, for example, that in his book "No Apology" Romney criticized Obama for being protectionist after putting tariffs on Chinese tires, while as a presidential candidate Romney said he would apply tariffs to goods after declaring the country a currency manipulator.¶ "That just gives us another opportunity to talk about a flip flop," a senior Obama campaign official said.¶ CALCULUS¶ Obama may not address Romney's critiques directly while Xi is in Washington, but the pressure of the election will influence his positioning. "The way that China's been broached in the Republican primaries has been one of the things that has contributed to Obama having to take a tougher public stance on some of the China economic issues in particular," said Andrew Small, a China expert at the German Marshall Fund, who said U.S. officials would still be cognizant of China's sensitivity to protocol.¶ "For this trip itself, the calculus will probably net out in favor of laying on a good show for him," he said.¶ One senior administration official said the protocol would be appropriate to Xi's current position as vice president.¶ Making Xi's visit smooth is also important to Obama, who has an interest in establishing good relations with the man expected to lead the world's second-largest economy and most populous nation for the next 10 years.¶ "The hope of this administration is that (Obama is) going to be returned to power for another four years, and they want to establish a rapport between these two individuals," said Bonnie Glaser, a China expert at the Center for Strategic and International Studies.¶ Pomp and circumstance aside, the White House has signaled in advance it will not shy away from touchy subjects, many of which are important to U.S. voters.¶ Biden, who traveled to China to meet with Xi in August, called the country's one-child policy "God-awful" earlier this week and later met with a group of human rights advocates.¶ "We consider it an important visit - make no mistake -- because the relationship is important and his role as the future leader is important, so we're not going to in any way seek to diminish that importance because it's an election year," White House spokesman Jay Carney said.¶ "But we're also going to be pretty candid, as we have been in the past, about where we have differences."

Currency pressure effective – outweighs their internal link – impossible to solve economy and protectionism without it

Paul, 11 SCOTT PAUL , Executive Director of the Alliance for American Manufacturing, US News and World Report, 10/13, <http://www.usnews.com/debate-club/should-congress-interfere-with-chinas-currency-policies/chinese-currency-bill-wont-spark-trade-war>

Congress should pass a China currency bill and President Obama should sign it. This legislation is bipartisan, enjoys broad public support, and is one of the very few things Washington can do to assist in creating jobs without spending tax dollars. Until we achieve more balanced trade with China, it will be virtually impossible to revive our struggling economy.¶ China is acting in its own short-term interest by undervaluing its currency. That alone is not reason enough for action. But China's currency policy affects American exports and jobs, which does make it our business. While Washington cannot change China's currency policy unilaterally, if Congress provides new tools for businesses to seek recourse under U.S. trade law, we will effectively deter further currency manipulation. [Read about a Congressional bill aimed at making China raise the value of its currency.]¶ The consequences of China's currency policy have been devastating. China's cheating has destroyed American jobs: 2.8 million jobs from 2001 to 2010, according to one estimate. We have a $273 billion annual trade deficit with China and just recorded the worst decade for American manufacturing in our history—even worse than the Great Depression. Fred Bergsten, director of the Peterson Institute for International Economics, has called China's currency policy "the most protectionist measure taken by any major country since World War II." To let China continue this policy would be willful neglect.

Extinction

Auslin 9 (Michael, Resident Scholar – American Enterprise Institute, and Desmond Lachman – Resident Fellow – American Enterprise Institute, “The Global Economy Unravels”, Forbes, 3-6, http://www.aei.org/article/100187)

What do these trends mean in the short and medium term? The Great Depression showed how social and global chaos followed hard on economic collapse. The mere fact that parliaments across the globe, from America to Japan, are unable to make responsible, economically sound recovery plans suggests that they do not know what to do and are simply hoping for the least disruption. Equally worrisome is the adoption of more statist economic programs around the globe, and the concurrent decline of trust in free-market systems. The threat of instability is a pressing concern. China, until last year the world's fastest growing economy, just reported that 20 million migrant laborers lost their jobs. Even in the flush times of recent years, China faced upward of 70,000 labor uprisings a year. A sustained downturn poses grave and possibly immediate threats to Chinese internal stability. The regime in Beijing may be faced with a choice of repressing its own people or diverting their energies outward, leading to conflict with China's neighbors. Russia, an oil state completely dependent on energy sales, has had to put down riots in its Far East as well as in downtown Moscow. Vladimir Putin's rule has been predicated on squeezing civil liberties while providing economic largesse. If that devil's bargain falls apart, then wide-scale repression inside Russia, along with a continuing threatening posture toward Russia's neighbors, is likely. Even apparently stable societies face increasing risk and the threat of internal or possibly external conflict. As Japan's exports have plummeted by nearly 50%, one-third of the country's prefectures have passed emergency economic stabilization plans. Hundreds of thousands of temporary employees hired during the first part of this decade are being laid off. Spain's unemployment rate is expected to climb to nearly 20% by the end of 2010; Spanish unions are already protesting the lack of jobs, and the specter of violence, as occurred in the 1980s, is haunting the country. Meanwhile, in Greece, workers have already taken to the streets. Europe as a whole will face dangerously increasing tensions between native citizens and immigrants, largely from poorer Muslim nations, who have increased the labor pool in the past several decades. Spain has absorbed five million immigrants since 1999, while nearly 9% of Germany's residents have foreign citizenship, including almost 2 million Turks. The xenophobic labor strikes in the U.K. do not bode well for the rest of Europe. A prolonged global downturn, let alone a collapse, would dramatically raise tensions inside these countries. Couple that with possible protectionist legislation in the United States, unresolved ethnic and territorial disputes in all regions of the globe and a loss of confidence that world leaders actually know what they are doing. The result may be a series of small explosions that coalesce into a big bang.

### Case – Part I

Prior court decisions doing exactly what they want to do in the context of Cold War trauma prove their method accomplishes nothing.

Leege 2012 (David, J.D. candidate, May 2012, Catholic University of America, Columbus School of Law; M.S. Engineering Science, Naval Postgraduate School, 2006; B.S. Materials Engineering, Iowa State University, 2003, PREVENTING ATOMS FOR PEACE FROM BECOMING ATOMS OF TERROR: THE NATIONAL ENVIRONMENTAL POLICY ACT IS NOT A VEHICLE FOR ADDRESSING TERRORISM, 61 Cath. U.L. Rev. 527)

Several years later, the Ninth Circuit amplified its view of the reasonably foreseeable requirement in No GWEN, n83 in which petitioners challenged the sufficiency of the EA prepared in connection with an Air Force plan to construct the Ground Wave Emergency Network (GWEN). n84 Petitioners alleged that the EA was inadequate because it "fail[ed] to discuss environmental impacts of GWEN, including the impact of a nuclear exchange which might be provoked, at least in part, by the installation or use of the GWEN system." n85 However, the petitioners conceded that GWEN's provocation of nuclear war was merely speculative. n86 The Ninth Circuit found "the contention that GWEN would be a primary target in a nuclear war [would] be equally speculative." n87 As a result, the Ninth Circuit held that a nuclear war was not a reasonably foreseeable effect of the Air Force's decision to construct the GWEN system because the causal link was too attenuated, and, therefore, the impact of nuclear war did not need to be considered in the EA. n88

The aff would move the specter of terrorism to the back of your mind to fester as the anxiety they read impacts to.

Leege 2012 (David, J.D. candidate, May 2012, Catholic University of America, Columbus School of Law; M.S. Engineering Science, Naval Postgraduate School, 2006; B.S. Materials Engineering, Iowa State University, 2003, PREVENTING ATOMS FOR PEACE FROM BECOMING ATOMS OF TERROR: THE NATIONAL ENVIRONMENTAL POLICY ACT IS NOT A VEHICLE FOR ADDRESSING TERRORISM, 61 Cath. U.L. Rev. 527)

Applying this standard, the Ninth Circuit determined "that it was unreasonable for the NRC to categorically dismiss the possibility of [a] terrorist attack . . . as too remote and highly speculative." n113 The court further recognized that the NRC's view was inconsistent with the Commission's efforts to prevent terrorist attacks against nuclear facilities after September 11th. n114 Therefore, the court concluded that "the possibility of [a] terrorist attack is not so 'remote and highly speculative' as to be beyond NEPA's requirements." n115The Ninth Circuit also rejected the NRC's second factor from Private Fuel Storage, finding that the NRC should not exclude acts of terrorism from the NEPA analysis simply because a risk is not quantifiable. n116 Rather, the NRC could conduct a qualitative assessment of the uncertain risk in the absence of precise quantification of that risk. n117 The court explained that because the NRC performs this type of qualitative analysis in other contexts, it should be able to apply this analysis to acts of terrorism as well. n118 Furthermore, the court noted the NRC's actions in other areas to combat terrorism indicated that the NRC found the risk to be significant. n119 Therefore, the court concluded that the lack of precise quantification did not excuse the NRC from considering the significance of such a risk in the NEPA analysis. n120[\*543] The NRC asserted as its third reason in Private Fuel Storage that evaluating terrorist attacks in the NEPA analysis equated to a worst-case scenario, which is no longer required under Supreme Court precedent. n121 The Ninth Circuit agreed "that NEPA does not require a worst-case analysis." n122 However, it concluded that in this situation the NRC was not being asked to perform a worst-case analysis. n123 The Ninth Circuit noted that appropriate worst-case analysis, as set forth by CEQ, includes both high- and low-probability events; therefore, the distinguishing characteristic of worst-case scenarios cannot be probability alone. n124 As a result, the court determined that a terrorist attack should not escape analysis on the grounds of being a worst-case scenario solely because it is of "low or indeterminate probability." n125 Because the petitioners "d[id] not seek to require the NRC to analyze the most extreme (i.e., the 'worst') possible environmental impacts of a terrorist attack," the court concluded that evaluating the terrorist attack as part of the NEPA process was not a worst-case analysis. n126The Ninth Circuit also rejected the NRC's fourth contention in Private Fuel Storage that it could not comply with the NEPA requirements because of the security risks inherent in disclosure of sensitive information. [n127](http://www.lexisnexis.com.proxy.missouristate.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1349609152149&returnToKey=20_T15709228566&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.104405.85043763118" \l "n127) In dismissing this factor, the court cited to Weinberger as a demonstration that although the NEPA process may be modified for national-security considerations, such considerations do not exempt an agency from the requirements of the evaluation altogether. [n128](http://www.lexisnexis.com.proxy.missouristate.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1349609152149&returnToKey=20_T15709228566&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.104405.85043763118" \l "n128) [\*544] After rejecting all four of the NRC's reasons for refusing to consider acts of terrorism in the NEPA analysis, the Ninth Circuit remanded the case to the NRC with instructions to consider acts of terrorism in its analysis. [n129](http://www.lexisnexis.com.proxy.missouristate.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1349609152149&returnToKey=20_T15709228566&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.104405.85043763118" \l "n129)

The Third Circuit ruling DID NOT SAY TERRORISM SHOULDN’T BE EVALUATED merely that they didn’t have to give a report on plane crashes into the plants. The REASON the court gave was that the resources of that investigation would TRADE OFF WITH SECURING AGAINST TERRORISM. They reinforce anxiety.

Leege 2012 (David, J.D. candidate, May 2012, Catholic University of America, Columbus School of Law; M.S. Engineering Science, Naval Postgraduate School, 2006; B.S. Materials Engineering, Iowa State University, 2003, PREVENTING ATOMS FOR PEACE FROM BECOMING ATOMS OF TERROR: THE NATIONAL ENVIRONMENTAL POLICY ACT IS NOT A VEHICLE FOR ADDRESSING TERRORISM, 61 Cath. U.L. Rev. 527)

G. New Jersey Department of Environmental Protection v. NRCIn July 2005, AmerGen Energy Co. sought a twenty-year renewal on its operating license for the Oyster Creek Generating Station. n130 The New Jersey Department of Environmental Protection (New Jersey) filed a request to intervene n131 alleging that the environmental report was deficient because it failed to consider an aircraft-attack scenario. n132 In February 2006, before the Ninth Circuit's decision in San Luis Obispo, the Atomic Safety Licensing Board (ASLB) rejected this contention, citing the Commission's previous decisions, in particular Private Fuel Storage. n133The Commission considered the appeal of the ASLB's decision after the Ninth Circuit had decided San Luis Obispo, and affirmed the Board's decision. n134 The Commission disagreed with the Ninth Circuit for the reasons articulated in Private Fuel Storage and the Solicitor General's brief to the Supreme Court in San Luis Obispo, n135 The Solicitor General had argued that [\*545] the Ninth Circuit erred by failing to adhere to precedent such as Metropolitan Edison and Public Citizen, which established the need for a reasonably close causal relationship, analogized by the Supreme Court to the proximate-cause analysis used in tort law. n136 Additionally, the Commission decided that, even if it followed San Luis Obispo, the NRC had already considered the effects of terrorism in a generic EIS (GEIS) for license renewal, n137 from which it "concluded that the core damage and radiological release from such acts would be no worse than the damage and release to be expected from internally initiated events." n138 New Jersey subsequently appealed the Commission's decision to the Third Circuit. n139The Third Circuit affirmed the NRC's decision for two separate reasons:First, [New Jersey] has not shown that there is a "reasonably close causal relationship" between the Oyster Creek relicensing proceeding and the environmental effects of a hypothetical aircraft attack. Accordingly, such an attack does not warrant NEPA evaluation. Second, the NRC has already considered the [\*546] environmental effects of a hypothetical terrorist attack on a nuclear plant and found that these effects would be no worse than those caused by a severe accident. n140Citing Metropolitan Edison and Public Citizen, the Third Circuit used tort law's proximate-cause analysis to inform its decision that the causal nexus between the agency action (NRC's renewal of a license) and the purported effect (aircraft attack on a nuclear facility) is too attenuated to satisfy the reasonably close causal-relationship test. n141 Just as the FMCSA had no authority to prevent the effect in Public Citizen, the NRC lacks control of the airspace above the facilities it regulates. n142 From this the court reasoned that an airborne attack on the Oyster Creek Generating Station could only result from "at least two intervening events: (1) the act of a third-party criminal and (2) the failure of all government agencies specifically charged with preventing terrorist attacks." n143 Applying tort causation concepts, the court determined that an airborne terrorist attack (third-party criminal act) would be a superseding cause, thus intervening as the legally relevant cause of any environmental effect resulting from the attack. n144 Therefore, the Third Circuit concluded that an environmental impact would not be the result of a major federal action subject to NEPA. n145In further support of this conclusion, the Third Circuit noted that the Supreme Court in Metropolitan Edison had admonished courts to draw a line for imposing NEPA responsibilities in a way manageable for the agencies. n146 According to the Third Circuit, drawing this line to include assessing the consequences of an airborne attack would require the NRC to "spend time and resources assessing security risks over which it has little control and which would not likely aid its other assigned functions to assure the safety and security of nuclear facilities."

The plan would result in an independent and secret Homeland Security Review- that would turn every decision into a possible “9/11 trauma moment.”

Briggs 2012 (Alexander T., Managing the Line Between Nuclear Power and Nuclear Terror: Considering the Threat of Terrorism as an Environmental Impact, J.D. Candidate 2012, Seton Hall University School of Law; B.A. 2005, Pittsburg State University, 8 Seton Hall Cir. Rev. 223, lexis)

3. Institute a Homeland Security Impact StatementJust as NEPA requires federal agencies to consider the effects of their actions on the human environment and assure the public that all significant environmental impacts have been considered, n215 a similar [\*254] requirement that agencies consider the effect of their actions on national security--taking the form of a Homeland Security Impact Statement ("HSIS")--may be in order. n216 Even though the consideration of a terrorist attack on a power plant would not discuss any environmental effect that an EIS does not already contemplate, n217 the public has a valid interest in the potentially harmful effects that a nuclear plant could cause to the security of the nation. Though Congress and the implementing agency would determine the specific requirements of an HSIS, the HSIS would theoretically follow a similar procedural formula as an EIS. For any major federal action, the implementing agency--or Homeland Security--would determine whether the action, if completed, poses a risk to national security. The HSIS would examine these risks and advise the agency and the government on subsequent steps.Differences between an EIS and the proposed HSIS will likely arise. Unlike NEPA, Homeland Security does not have a public disclosure requirement, so it could--and likely would--classify the HSIS in order to prevent the dissemination of sensitive information. The HSIS would inform the government, not the public, that the government has properly considered the terror threat. This non-public process would force the agency to take a "hard look" at the consequences of its actions while confining sensitive matters of national security to the appropriate forum. Such a process would also serve the first aim of NEPA (ensuring thorough agency review) and may serve the second (public assurance of thorough agency deliberation) through disclosure to a congressional committee or an independent government body with security clearance. An HSIS, like an EIS, would not discuss the possible effect of terrorism on the environment. The NRC would retain its duty to contemplate the environmental impact of its nuclear facilities. The terror-prevention duty would clearly vest in another federal agency, freeing the NRC of any burden to review potential terror threats and contemplate a multitude of conduct-specific impacts. The duty to evaluate the wide range of reasonably foreseeable environmental impacts, regardless of their independent causes, would therefore remain.

The plan EXCLUDES the public from deliberation on the risk of terrorism ensuring the debate is controlled by elites that manufacture risks- they affirm a risk society controlled by neocons.

Briggs 2012 (Alexander T., Managing the Line Between Nuclear Power and Nuclear Terror: Considering the Threat of Terrorism as an Environmental Impact, J.D. Candidate 2012, Seton Hall University School of Law; B.A. 2005, Pittsburg State University, 8 Seton Hall Cir. Rev. 223, lexis)

C. A Terrorism Assessment will Endanger the Public"The public aspect of NEPA processes conflicts with the need to protect certain sensitive information." n175 The NRC's responsibilities include "protect[ing] sensitive information from falling into the hands of those with malevolent intentions." n176 Yet, an EIS that requires disclosure of the environmental impact of a terrorist attack on a nuclear power plant would threaten national security by allowing potential terrorists to access information that could facilitate their malevolent intentions. CEQ regulations require agencies to furnish their EIS to any person who requests it. n177 Contrary to the requirement that NEPA not subject people to risk or undesirable or unintended consequences, n178 "[a] full-scale NEPA process [that considers terrorism] necessarily would require examination of not only how terrorists could cause maximum damage but also of how they might best be thwarted." n179 The NRC has recognized that keeping this kind of information secret is vital:[T]he public interest would not be served by inquiries at NRC hearings and public meetings into where and how nuclear facilities are vulnerable, how they are protected and secured, and what consequences would ensue if security measures failed at a particular facility. Such NEPA reviews may well have the perverse effect of assisting terrorists seeking effective means to cause a release of radioactivity with potential health and safety consequences. n180The AEC, predecessor to the NRC, rejected the requirement that the regulatory hearing process consider the possibility of attack on a plant by the country's Cold War enemies. n181 Without an order from Congress or a [\*248] statement of congressional intent, the AEC refused to bring such issues into the scope of its licensing process, n182 stating that "to impose such a burden would be to stifle utterly the peaceful utilization of atomic energy in the United States." n183 NEPA is limited by its own language, which requires implementation only so far as it comports with "other essential considerations of national policy . . . . " n184 In this regard, the confidentiality of sensitive information is an "essential consideration of national policy," as it protects against unintended risks to the public health and safety." n185 Nowhere does NEPA permit elevating environmental concerns over other important considerations. n186Not only would disclosure of terrorist considerations in an EIS fail to comply with the purpose of NEPA, but also such disclosure would contradict the safeguard requirements of the AEA. n187 The AEA provides strict guidance and regulations concerning the control of information related to the physical protection of plants and materials n188 for the purpose of protecting "the health and safety of the public and the common defense." n189 Publication and distribution of information that might endanger the public would compromise the purpose of the AEA and raise NEPA's environmental concerns above more critical concerns, in violation of Supreme Court precedent. n190The Weinberger decision properly sets the standard for the appropriate scope of the EIS. No GWEN and Mothers for Peace interpreted Weinberger to mean that NEPA provides no national defense exception, and that particular sensitive elements of an EIS may only remain private if specifically exempted under FOIA. n191 To some, [\*249] Weinberger may provide the ideal compromise: conduct an extensive review of the potential environmental impacts of terrorism, but keep that portion of the EIS confidential. But this compromise fails to satisfy the twin aims of NEPA: to require the government to fully contemplate environmental effects and to assure the public that the government has complied with its administrative requirements. Though an exemption from FOIA disclosure would still permit development of the EIS behind closed doors, it would fail a NEPA goal of informing the public that adequate review has occurred, because the public would have no access to confidential information conveyed during a closed hearing. n192 NEPA is a dialogue between the government and the public that does not occur if the government prohibits the public from accessing the information necessary to participate in this dialogue.

### Case - Part II

Psychoanalytic theories are bankrupt—unfalsifiable.

Bellelli, 2006

(Andrea Bellelli, M.D., Graham MacDonald and Philip Catton, editors, Routledge, Critical Appraisals, “Review - Karl Popper” January 3, Volume 10, Issue 1, metapsychology.mentalhelp.net/poc/view\_doc.php?type=book&id=2963)

Popper's negative epistemology can be used to distinguish scientific theories, which make risky predictions and can be falsified, from non-scientific or pseudo-scientific theories, which cannot be falsified. Indeed Popper weighted on his balance several theories, such as Marxism and psychoanalysis, which pretended to be scientific and found them incapable of any testable prediction and non-falsifiable. Karl Popper: Critical Appraisals is a collection of eleven essays that evaluate the most controversial aspects of Popper's philosophy of science and society. It is an excellent book and all contributors are highly qualified; the intended audience is however almost as qualified as the authors themselves, and it is expected that the reader is quite familiar with most, if not all, the writings of Popper. It is neither an introduction to Popper, nor a global analysis of his contributions. Actually, some of the essays focus on quite specific and problematic aspects of his thought, and his most important hypotheses are discussed to a lesser extent, as is typical of specialized analyses. Two crucial and related points of Popper's epistemology are the refusal of induction and the role of observation and experiment. These are analyzed and criticized in several essays of this book. Popper had two objections to induction, clearly but not ordinately formulated: we cannot completely trust observation; and we cannot legitimately generalize from observation. The former objection is not strictly against induction, and is usually formulated by conventionalist theoreticians; the latter is Hume's classical argument against induction. Popper's solution is radical: the experiment is not a reason of the theory, it is only a reason to trust (or not to trust) the theory. Denying the observation a status in the content of the theory is a bold move, more easily defensible when considering theoretical physics than anatomy, and it is difficult to believe that it is adopted by many researchers. If you feel stimulated (rather than bored) by this type of enquiry, then "Karl Popper: critical appraisals" is your book, and you will find there a thorough analysis of Popper's ambivalent feeling about experiment and observation, even better than the one you find in Popper's writings. Take the simplest empirical description you can imagine, something like "I am reading from a computer screen". You can substantiate your statement with other statements, but this leads to infinite regression; to stop regression you may either establish non-questionable postulates (this being conventionalism or dogmatism) or accept as a proof a statement describing your sensorial perception (this being psychologism). Most scientists are implicitly psychologists: they trust experience and observation, and Popper concedes that sensory perceptions are in general remarkably accurate, for this grants the organism a selective evolutionary advantage. However, Popper thinks that hypothesis and theories cannot be based upon undemonstrable sensory perceptions and thus he only assigns to experience a role in justifying our belief in a theory: if we see a theoretical prediction fulfilled, then we trust the theory. Popper's path between the precipices of empiricism on the one side and conventionalism on the other is narrow indeed, and the essays in these critical appraisals are a useful guide. Three essays, by Alan Musgrave, Semiha Akinci and Philip Catton describe the relationships between Popper's theory and conventionalism on the one hand and with induction on the other hand. I found them very interesting as they clarify some points of Popper's theory that I had always found quite obscure. Popper opposed the verificationist theory of the logical positivists of his time, who assumed that describing an experience is non-problematic; he pointed out that between the observed fact and its description there stands the logical barrier of psychologism that introduces in the logically demonstrable structure of the theory the empirical and non-demonstrable step that uses the hard-wired circuitry of our brain to convert a fact into a description. Refusing psychologism entails the paradoxical consequence that Popper's theory may appear a refined version of conventionalism. To state it more clearly, we may ask ourselves which proof we would accept of a scientific hypothesis or prediction. If the proof we demand is an observation or an experiment, then we are positivists and Popper accuses us of psychologism, i.e. of relying upon the poorly known functioning of our brain for the judgment of consistence between a fact and a statement. If the proof we demand is logical coherence with other parts of the theory, then we are conventionalists, and Popper accuses us of neglecting the world we try to describe. We may then ask which proof Popper would accept, and his answer is none: a hypothesis can be falsified but cannot be verified. However, we can provisionally trust our experience as the judge trusts the eyewitness: we weight favorable and contrary empirical evidence and come to a decision that is neither conventional nor arbitrary. We notice that the problem of psychologism is particularly relevant to Popper for he conceives objectivity as inter-subjectivity (i.e. an observation is objective if it can be repeated by every subject); Jacques Monod defined objective an observation that could be made by an instrument (i.e. minimizing the subject's contribution) and confined the problem of psychologism to a less relevant and more controlled position. I may add that Popper in his analysis did not consider some well established means of controlling psychologism, e.g. blind methods, as employed in medical research. Akinci's conclusion is that Popper's conventionalism is epistemological, i.e. conventions are made about the proper methods of scientific investigation, not epistemical, i.e. related to the content of scientific theories. Epistemical conventionalism was formalized by the French epistemologist and mathematician Henry Poincare', but has a long standing tradition in philosophy, even though I cannot believe that it has been espoused by many scientists. I think that it was best explained by Andreas Osiander in his preface to the Copernicus' De Revolutionibus Orbium Coelestium: Neque enim necesse est eas hypotheses esse veras, imo ne verisimiles quidem, sed sufficit hoc unum, si calculum observationibus congruentem exhibeant. (Indeed it is not necessary that these hypotheses are true, nor verisimilar, but it is enough if the calculus we base on them is congruent with the observation.) Osiander was not a conventionalist: he skillfully constructed the argument to protect his friend Copernicus from possible retaliations by the Inquisition. Copernicus thought (as Osiander) that his hypothesis was true, i.e. that it described the real relationships between the apparent movements of the stars and the actual movements of the Earth; and Popper no doubt concurs with this view and confines conventionalism to methodology. Philip Catton in his essay criticizes Popper's view of science as an eminently theoretical enterprise (indeed Popper himself wrote in The Logic of Scientific Discovery that sciences are systems of theories, thus leaving aside descriptive sciences like anatomy or geography). Data from these sciences can be used to build up theories, as Catton demonstrates, but their intrinsic theoretical content is minimal: he points out that Newton used this method, that he called deducing from experiments. Catton's essay demonstrates that scientists do not think and behave as Popper; however they neither behave in ways Popper would forbid, and surely they would concur on Popper main point, i.e. that their hypotheses should be falsifiable, and should be rejected or modified if falsified. Catton's point is that experiments have not only the negative function of testing the hypothesis, they also positively suggest and shape the hypothesis. Why was Popper so adamant in denying the positive role of the experiment? Again, the reason is that admitting the experiment positive role would grant some status to induction, Popper's bete noire, as Alan Musgrave thoroughly discusses in his contribution. Essentially, Popper failed to recognize that Hume's argument against induction only works if we assign absolute rather than probabilistic validity to induction. Popper dealt at length with probability in The Logic of Scientific Discovery, and distinguished between two meanings of the term in common usage: indeed, probable may be properly used to mean that an event has measurable chances of happening, as when we say that it is likely that any day of august is warmer than any day of october; or we may improperly use probable to indicate that we believe that an assertion is true, but we want not to commit ourselves too strongly, as when we say that it is likely that Copernicus was right and Ptolemy was wrong. Popper strongly opposed the latter use of the term, but not the former; however, he never explicitly admitted the obvious consequence that induction may be reformulated probabilistically. This mode of reasoning clearly shows up in the writings of the scientists quoted by Catton who creatively formulated deterministic hypothesis compatible with inductively inferred regularities and probabilities; all of them were perfectly aware that the process is not infallible. Later in his life, Popper turned his attention to social sciences, and to what he called historicism, the idea that some deterministic rationale exists in social events, scientifically investigable. In Conjectures and Confutations Popper discusses the links between scientific and social theories in reference to his acquaintance with the heretical psychoanalyst Alfred Adler, and his dislike of Marxist philosophy is expressed in The Open Society and its Enemies. Popper's position with respect to social sciences is somewhat different from the one he takes for natural sciences. Popper thought that man is free to choose among socially acceptable alternatives and therefore no specific prediction can be made on his behavior, even though general regularities in social phenomena may be recognized. Thus, he fiercely opposed two deterministic hypotheses, Marxism and psychoanalysis; time proved him right. The essays by Gonzalez, Shearmur, List and Pettit, Macdonald, Ryan, O' Hear and Waldron discuss Popper's political philosophy and its position in the philosophy of the twentieth century. Moreover, some of these essays critically analyze the logical relationships between Popper's philosophy of science and of society. Here the questions are subtler than in the case of the philosophy of science, and any summary is bound to be incomplete. A crucial difference between philosophy of science and political philosophy is that the former analyzes hypotheses, the latter opinions. Opinions can be based on logic, but ultimately they do not compete with each other in the same way as hypotheses do, and two contrasting opinions may be both (subjectively) true, whereas two contrasting hypotheses cannot be both (objectively) true. Often we misrepresent our subjective opinions as objective hypotheses in order to discredit the opinions of our adversaries. Popper tried to fight these misrepresentations, and probably went a bit too far: indeed he judged Marxism and psychoanalysis as false scientific hypotheses rather than as plausible but subjective opinions improperly presented as hypotheses.

Unfalsifiable epistemology is fundamentalist—makes violence possible.

Curtin and Litke, 1999

(Deane W. Curtin and Robert Litke, Institutional Violence, p. 111

Full-fledged decision-making presupposes a range of epistemic capacities. At the very least, one must be able to conceptualize and appreciate alternatives, consider and assess the evidence that would support or detract from each of them, know how to seek additional kinds of rational and experiential evidence that would support or detract from each of them, if more desired, and so forth. The greater one's capacity for exploring the epistemic background of a decision, the more one is in a position to take epistemic responsibility for any such decision, the more one can be considered the author of the decision. Fundamentalism reduces authorship and decision-making to the vanishing point. Indeed, concerning all things fundamental, it preempts the exercise of the above mentioned epistemic abilities. Since the truth is already known such an exploration is unnecessary, irrelevant to making the right decision, and potentially misleading. Further, rather than encouraging people to develop such epistemic capacities it actively presses individuals to render themselves epistemically helpless in relevant ways. One is to adopt or at least acquiesce to the requirements of the fundamentalism perspective: the course of one's experience and the findings of one's cognitions are to be dictated or channeled by this perspective. One is under systemic pressure not to actively countenance alternatives external to the fundamentalist framework. It is the author of correct decisions, not any individual; one's primary epistemic responsibility is to accord with it. Surely this constitutes the immobilization and reduction of a person in a morally pernicious way. If anything is psychologically violent, such deep incursions into a person's epistemic and autonomous functioning should count as violence. Fundamentalism seeks to encage the person, fundamentalist and nonfundamentalism alike, within the epistemic confines of its perspective. To the extent that it succeeds, whatever the content of its doctrines, it should be seen as oppressive and violent.

Prefer predictions and explanations based on empiricism and evidence.

Jerry A. Coyne, reviewing FOLLIES OF THE WISE by Frederick Crews, September 6, 2006. http://tls.timesonline.co.uk/article/0,,25347-2345445,00.html

Laid out in the first four essays, Crews’s brief against Freud is hard to refute. Through Freud’s letters and documents, Crews reveals him to be not the compassionate healer of legend, but a cold and calculating megalomaniac, determined to go down in history as the Darwin of the psyche. Not only did he not care about patients (he sometimes napped or wrote letters while they were free-associating): there is no historical evidence that he effectively cured any of them. And the propositions of psychoanalysis have proven to be either untestable or falsified. How can we disprove the idea, for example, that we have a death drive? Or that dreams always represent wish fulfilments? When faced with counter-examples, Freudianism always proves malleable enough to incorporate them as evidence for the theory. Other key elements of Freudian theory have never been corroborated. There are no scientifically convincing experiments, for example, demonstrating the repression of traumatic memories. As Crews points out, work with survivors of the Holocaust and other traumatic episodes has shown not a single case in which such memories are quashed and then recovered. In four further essays, Crews documents the continuing pernicious influence of Freud in the “recovered memory” movement. The idea that childhood sexual abuse can be repressed and then recalled originated with Freud, and has been used by therapists to evoke false memories which have traumatized patients and shattered families. Realizing the scientific weaknesses of Freud, many diehards have taken the fall-back position that he was nevertheless a thinker of the first rank. Didn’t Freud give us the idea of the unconscious, they argue? Well, not really, for there was a whole history of pre-Freudian thought about people’s buried motives, including the writings of Shakespeare and Nietzsche. The “unconscious” was a commonplace of Romantic psychology and philosophy. And those who champion Freud as a philosopher must realize that his package also includes less savoury items like penis envy, the amorality of women, and our Lamarckian inheritance of “racial memory”. The quality of Crews’s prose is particularly evident in his two chapters on evolution versus creationism. In the first, he takes on creationists in their new guise as intelligent-design advocates, chastising them for pushing not only bad science, but contorted faith: “Intelligent design awkwardly embraces two clashing deities – one a glutton for praise and a dispenser of wrath, absolution, and grace, the other a curiously inept cobbler of species that need to be periodically revised and that keep getting snuffed out by the very conditions he provided for them. Why, we must wonder, would the shaper of the universe have frittered away some fourteen billion years, turning out quadrillions of useless stars, before getting around to the one thing he really cared about, seeing to it that a minuscule minority of earthling vertebrates are washed clean of sin and guaranteed an eternal place in his company?” But after demolishing creationists, Crews gives peacemaking scientists their own hiding, reproving them for trying to show that there is no contradiction between science and theology. Regardless of what they say to placate the faithful, most scientists probably know in their hearts that science and religion are incompatible ways of viewing the world. Supernatural forces and events, essential aspects of most religions, play no role in science, not because we exclude them deliberately, but because they have never been a useful way to understand nature. Scientific “truths” are empirically supported observations agreed on by different observers. Religious “truths,” on the other hand, are personal, unverifiable and contested by those of different faiths. Science is nonsectarian: those who disagree on scientific issues do not blow each other up. Science encourages doubt; most religions quash it. But religion is not completely separable from science. Virtually all religions make improbable claims that are in principle empirically testable, and thus within the domain of science: Mary, in Catholic teaching, was bodily taken to heaven, while Muhammad rode up on a white horse; and Jesus (born of a virgin) came back from the dead. None of these claims has been corroborated, and while science would never accept them as true without evidence, religion does. A mind that accepts both science and religion is thus a mind in conflict.Yet scientists, especially beleaguered American evolutionists, need the support of the many faithful who respect science. It is not politically or tactically useful to point out the fundamental and unbreachable gaps between science and theology. Indeed, scientists and philosophers have written many books (equivalents of Leibnizian theodicy) desperately trying to show how these areas can happily cohabit. In his essay, “Darwin goes to Sunday School”, Crews reviews several of these works, pointing out with brio the intellectual contortions and dishonesties involved in harmonizing religion and science. Assessing work by the evolutionist Stephen Jay Gould, the philosopher Michael Ruse, the theologian John Haught and others, Crews concludes, “When coldly examined . . . these productions invariably prove to have adulterated scientific doctrine or to have emptied religious dogma of its commonly accepted meaning”. Rather than suggesting any solution (indeed, there is none save adopting a form of “religion” that makes no untenable empirical claims), Crews points out the dangers to the survival of our planet arising from a rejection of Darwinism. Such rejection promotes apathy towards overpopulation, pollution, deforestation and other environmental crimes: “So long as we regard ourselves as creatures apart who need only repent of our personal sins to retain heaven’s blessing, we won’t take the full measure of our species-wise responsibility for these calamities”. Crews includes three final essays on deconstruction and other misguided movements in literary theory. These also show “follies of the wise” in that they involve interpretations of texts that are unanchored by evidence. Fortunately, the harm inflicted by Lacan and his epigones is limited to the good judgement of professors of literature. Follies of the Wise is one of the most refreshing and edifying collections of essays in recent years. Much like Christopher Hitchens in the UK, Crews serves a vital function as National Sceptic. He ends on a ringing note: “The human race has produced only one successfully validated epistemology, characterizing all scrupulous inquiry into the real world, from quarks to poems. It is, simply, empiricism, or the submitting of propositions to the arbitration of evidence that is acknowledged to be such by all of the contending parties. Ideas that claim immunity from such review, whether because of mystical faith or privileged “clinical insight” or the say-so of eminent authorities, are not to be countenanced until they can pass the same skeptical ordeal to which all other contenders are subjected.” As science in America becomes ever more harried and debased by politics and religion, we desperately need to heed Crews’s plea for empiricism.

Their scientific data is methodologically bankrupt- multiple reasons.

-confusion of speculation with fact

-penchant for generalizing from a small number of imperfectly examined instances

-selective reporting of raw data to fit the latest theoretical enthusiasm

-indifference to rival explanations and to mainstream science

Every item has been conceded by psychoanalysts who are still unready to take in the total picture.

Crews, 2004

(Frederick Crews, Professor Emeritus at the University of California, Berkeley and a fellow of the Institute for Science in Medicine, Butterflies and Wheels, “Reply to Holland” August 10, http://www.butterfliesandwheels.org/2004/reply-to-holland/)

But how can Holland be sure that those results have been overlooked? One could not tell from his paper that he has read a single page of the revisionist scholarship and reasoning that have revolutionized our perception of the psychoanalytic movement and its claims of scientific validation. His 64 references include no dissenters’ texts; and only one dissenter’s name, my own, is briefly mentioned. Moreover, Holland’s characterization of my position, that I find all of psychoanalytic theory untestable and therefore merely “literary” in nature, is off the mark. I regard psychoanalytic doctrine not as literature but as partly unfalsifiable, partly falsified pseudoscience which, when it was widely believed, caused harm to people whom it demeaned, stigmatized, and misdiagnosed. [2, 3, 4; see also 5] Unfortunately, the facts and arguments that Holland ignores bear crucially on the question he proposes to answer: whether psychoanalysis deserves to be called a science. He could have learned much, for example, from the work of two major Freud scholars, Frank Cioffi [6] and Malcolm Macmillan [7], who have extensively traced Freud’s initial confusions and misrepresentations, the many unclarities and cross-purposes that have continued to plague psychoanalytic doctrine, and the chronic flight from exposure to potential disconfirmation that has typified the entire record from Freud’s day through our own. Science is as science does. If neither Freud nor his successors have shown a due regard for objections to their pet ideas, psychoanalysis is ipso facto not a science. Condensing the findings of Cioffi, Macmillan, and other knowledgeable philosophers of science and historians such as Adolf Grünbaum [8], Edward Erwin [9], and Allen Esterson [10], I have elsewhere put into one long sentence the anti-empirical features of the psychoanalytic movement [3, pp. 61n-62n]: They include its cult of the founder’s personality; its casually anecdotal approach to corroboration; its cavalier dismissal of its most besetting epistemic problem, that of suggestion; its habitual confusion of speculation with fact; its penchant for generalizing from a small number of imperfectly examined instances; its proliferation of theoretical entities bearing no testable referents; its lack of vigilance against self-contradiction; its selective reporting of raw data to fit the latest theoretical enthusiasm; its ambiguities and exit clauses, allowing negative results to be counted as positive ones; its indifference to rival explanations and to mainstream science; its absence of any specified means for preferring one interpretation to another; its insistence that only the initiated are entitled to criticize; its stigmatizing of disagreement as “resistance,” along with the corollary that, as Freud put it, all such resistance constitutes “actual evidence in favour of the correctness” of the theory (SE, 13:180); and its narcissistic faith that, again in Freud’s words, “applications of analysis are always confirmations of it as well” (SE, 22:146). This indictment is sometimes dismissed by Freudians as the raving of an unhinged mind. The justice of every item, however, has been conceded piecemeal by a number of psychoanalysts who are still unready to take in the total picture. And other previously sanguine pro-psychoanalytic commentators now grant that the Freudian community has shown none of the traits we associate with serious investigators. Robert F. Bornstein, for example, whom Holland repeatedly cites as a compiler of positive experimental evidence, recently published an article, significantly entitled “The Impending Death of Psychoanalysis,” in which he charged analysts with “the seven deadly sins” of “insularity, inaccuracy, indifference, irrelevance, inefficiency, indeterminacy [that is, conceptual vagueness], and insolence.” [11] Bornstein portrays a self-isolated sect that is not just out of step with the march of knowledge but incapable of understanding where it went wrong. In order for Bornstein to bring his revised view into full alignment with that of the revisionist critics (whom Holland is pleased to malign en masse as “the bashers”), he need only grasp that the dysfunctional attitudes he has listed are traceable to Freud’s own arbitrary system building, to his dismissal of the need to reconcile psychoanalytic theory with mainstream science, to his heaping of scorn on all who questioned his authority, and to his declarations that backsliders from his movement had fallen into psychosis.

### Case – Part III

Defense is a sufficient win condition—raising the threshold for argumentation encourages pluralist debates, which are more likely to solve the AFF.

Moravcsik, 2004

(Andrew, Department of Government, Harvard University, " Are Dialogue and Synthesis Possible in International Relations?: Theory Synthesis in International Relations: Real Not Metaphysical” p. 134)

The standard rules of social scientific discourse require that any debate should address a broad range of plausible alternative conjectures about empirical cause and effect, that competing conjectures be rendered in as coherent and general a form as appropriate, and that empirical claims be constrained by objective methodological procedures specifying what constitutes confirming and (more importantly) disconfirming evidence. In other words, social scientific discourse is useful not because it assumes certainty, but because it imposes skepticism. Standardized theoretical and methodological constraints of this kind are designed to render all claims provisional and to structure the intersubjective evaluation of such claims. Theory and method make it easier for any trained person-sometimes even those without a great deal of knowledge or investment in a debate-to challenge the empirical validity, both internal and external, of any claim. Accordingly, the greater theoretical and methodological constraints social scientists impose on themselves-that is, the greater the range of alternative explanations, the more logically coherent the favored account, and the more difficult the methodological hurdles-the greater the resulting confidence skeptics should have in any positive result. Even Smith, the contributor to this forum who is highly critical of any form of positivism, concedes that such standards have a plausible claim to ‘‘perform the function of disciplining the discipline.’’ The standards promote pluralist debate while also, as is often forgotten, providing intersubjectively valid reasons for focusing intellectual energy and limiting debate. These discursive constraints distinguish social scientists from artists, philosophers, journalists, historians, and political activists, who, no doubt for good reason, greatly outnumber them in the modern world.

Their method locks in the status quo—a more rigorous intellectual standard is the only productive path.

Moravcsik, 2004 (Andrew, Department of Government, Harvard University, " Are Dialogue and Synthesis Possible in International Relations?: Theory Synthesis in International Relations: Real Not Metaphysical” p. 136)

Third, even if his criticisms were correct, Smith’s position suffers from a third weakness. It proposes no workable alternative except freezing the academic status quo. He offers no nonpositivist criterion for adjudicating competing claims within his own preferred (that is, nonrationalist, nonpositivist) paradigm and epistemology, let alone across paradigms and epistemologies. Instead, he treats diversity as always superior to non-diversity-a sort of theoretical ‘‘affirmative action’’ in which anything goes. Such a position will not do. We need look no further than Kratochwil’s brilliant and devastating critique of ‘‘pluralism for its own sake’’ in this forum to see why. Enforcing theoretical pluralism by fiat is no less arbitrary than enforcing theoretical homogeneity by fiat. The contributors to this forum are quite explicit about the result they seek, namely to protect certain theories from any sustained, let alone fatal, empirical or theoretical challenge. This state of affairs evades the central issue of social scientific methodology: How do we know when, and what do we do if, a theoretical conjecture proves weak or wrong? The discussion does not acknowledge in any systematic way the possibility that a nonrationalist theory might be incorrect, let alone offer intersubjectively neutral guidance about how to address such a situation. Smith advances his proposal in the name of ‘‘pluralism,’’ but its consequence is to privilege the perpetuation of the status quo among (or, indeed, to expand the reach of) both establishment and critical theorists. This response to Smith may seem abstract. Why not, the reader may ask, just let thousand flowers bloom? What’s wrong with pluralism? The reason is that letting flowers bloom can be misleading, because it gives the impression that there is equal empirical support for all conjectures and encourages us to believe that any plausible one is as valid and accurate as any other. In this regard, we need to remember that recent constructivist writings are, in fact, replete with claims that could be subjected to straightforward empirical analysis with no violence to the underlying theories. Few constructivists or postpositivists actually dispense with evidence; they tend, however, to use it more loosely. Indeed, it is sometimes rather easy to disconfirm the resulting claims (see, for example, Diez 1999; Moravcsik 1999). Yet, as long as the claims are insulated from empirical challenge and synthesis, the status quo rules. In the end, then, it is not the mythical American establishment, but critical theorists, who have chosen to play the academic conservatives suspicious of genuine dialogue and the revision of orthodox authorities. The broader implication is clear. Scholars of international relations should dwell less on the metatheoretical, ontological, and philosophical status of social science, thereby postponing the day when the specific problem of theory synthesis itself is addressed concretely. We should think more about the ways in which theoretical syntheses might help us understand concrete events in world politics. The opportunities and incentives for doing so are increasingly visible among midrange theories of concrete phenomena in the study of world affairs. Let’s get on with the empirical research!

Unfalsifiability leads to paralysis. You must draw the line somewhere, vote neg.

Moravcsik, 2004 (Andrew, Department of Government, Harvard University, " Are Dialogue and Synthesis Possible in International Relations?: Theory Synthesis in International Relations: Real Not Metaphysical” p. 134-5)

Because the other contributors to this forum take a less optimistic view about the prospects for progressive social science, their discussion is sidetracked into abstract philosophizing, where it remains. To be sure, Smith concedes the potential advantages of a positivist approach, notably its ability to offer a means for structuring a skeptical and pluralistic debate among diverse participants. Kratochwil’s model of legal advocacy, too, is very close to the soft social scientific position to which this author adheres. Even Neumann, starting from seemingly radical premises, circles around to a defense of empirical problem-oriented research. Yet each ultimately recommends that we forego these positivist virtues in favor of theoretical pluralism. It is hardly coincidental, therefore, that they offer no detailed, empirically grounded proposals for theory synthesis of use to concrete researchers. Indeed, their essays barely mention empirical theory or examples drawn from the real world of international politics. For them, the central issue is not theory synthesis per se but whether we should encourage serious empirical testing at all. The mere hint that a concern about synthesis might expose reflectivist hypotheses to external challenges-and, dare we say it, disconfirmation-seems enough to provoke outright rejection. Indeed, the other contributors make little effort to discuss theory synthesis, treating this activity instead as just the latest disguise of the positivist threat even though, as noted above, it is quite unclear whether synthesis imposes much constraint on the scope of actual theorizing. The tendency for the abstract and philosophical to push aside the concrete and empirical is not a coincidental characteristic of this particular forum. It is a near universal tendency among postpositivist writing. As we have moved through the first, second, and third debates-and now seem fated for a fourth-the terms grow ever more abstract. Perhaps the underlying premise is that deeper philosophical understanding or, as Neumann proposes, more attention to the intellectual history of international relations will eventually facilitate a richer empirical understanding of world politics. But the payoff always remains just one more debate away. This discouraging trend signals that we should be somewhat suspicious of the opposition of critical theorists to theory synthesis.

Even if they win their arguments you should vote negative to prove that their claims are not immune to criticism.

Andrew Robinson 2004 “The Politics of Lack” Blackwell Synergy

As should by now be clear, the central claims of Lacanian theory are ontological rather than political. Indeed, since Lacan’s work deals with politics only very occasionally, the entire project of using Lacan politically is fraught with hazards. With rare exceptions, Lacanian theorists put ontology in the driving seat, allowing it to guide their political theorizing. Political discourse and events are subsumed into a prior theoretical framework in a manner more reminiscent of an attempt to confirm already accepted assumptions than of an attempt to assess the theory itself. Among the authors discussed here, Zizek takes this furthest: the stuff of theory is ‘notions, which have a reality above and beyond any referent, so that, if reality dows not conform to the notions, it is “so much the worse for reality’ (in Butler, Laclau, and Zizek 2000, 244). The selection and interpretation of examples, whether in concrete analysis of political discourse or in theoretical exegesis, is often selective in a way which appears to confirm the general theory only because inconvenient counterexamples are ignored. The entire edifice often appears wholly a priori and non-falsifiable, and the case for its acceptance is extremely vague. Most often, the imperative to adopt a Lacanian as opposed to (say) a Rawlsian or an orthodox Marxist approach is couched in terms of dogmatically-posited demands that one accept the idea of constitutive lack. A failure to do so is simply denounced as ‘shirking’, ‘blindness’, inability to accept’ and so on. In this way, Lacanian theory renders itself almost immune to analytical critique on terms it would find acceptable. Furtehrmore, a slippage frequently emerges between the external ‘acceptance’ of antagonism and its subjective encouragement. For instance, Ernesto Laclau calls for a ‘symbolisation of impossibility as such as a positive value’ (in Butler, Laclau, and Zizek 2000, 1999, original emphasis).

## 2NC

Public deliberation about terrorism is key to solve it

Levine et al 5 (Peter, Archon Fung, Gastil, John, “Future Direction for Public Deliberation” Journal of Public Deliveration vol 1

https://digital.lib.washington.edu/researchworks/bitstream/handle/1773/15533/Levine1.pdf?sequence=1

Another issue that might lend itself to global dialogue is international terrorism. There

could be a fruitful conversation among citizens from all parts of the world on the roots of

terrorism, the experience of living in terror and being victimized by it, the best methods of

addressing it in the long term, and perhaps even the perspectives of those drawn to participate in

acts such as suicide attacks. Such a dramatic discussion might even attract a large international

audience. If expertly facilitated, it could produce dramatic moments of cross-cultural dialogue

and increase mutual understanding. More ambitiously, deliberation on these issues might aim to

reach a common set of principles embraced by people normally characterized as being unable to

speak to each other, let alone live together. Global discourse would not have legislative

authority, but it might help to break through one or more international policy deadlock by giving

renewed hope to political leaders for the potential of the public to overcome its fear, anger, and

despair. If effective, such a dialogue could set the stage for more precise deliberations on what

policies best address the threat of global terrorism and the other issues underlying it

A. Corporate investment solves legitimacy issues in global poverty reduction

George Lodge, an American professor and former politician, in 1954 he became Director of Information at the U.S. Department of Labor, currently the Jaime and Josefina Chua Tiampo Professor of Business Administration, Emeritus at Harvard, and Craig Wilson, columnist, “A Corporate Solution to Global Poverty: How Multinationals Can Help the Poor and Invigorate Their Own Legitimacy,” 2006, pgs. 2-4.

Often, however, the corporate response to these expectations is¶ hamstrung by a lack of legitimacy, a crippling but hitherto inadequately diagnosed problem that reduces the ability of big business to¶ respond as meaningfully as it otherwise could. This is something of a¶ classic catch-22. Managers of global corporations—everyone from the¶ CEOs to their subordinates far down the corporate ladder—who lack¶ the necessary legitimacy can’t effectively respond to these challenges¶ because their response requires them to cooperate with people (the¶ community) who don’t trust their intentions. The community, broadly¶ speaking, is no longer satisfied that managers and their corporations¶ are fully law-abiding as they go about increasing shareholder value.¶ Communities want more. But they don’t trust managers to provide¶ “more” because they haven’t in the past. And so the cycle of distrust¶ continues. Demands and expectations are rising in the face of declining¶ legitimacy.¶ In this book, we aim to help corporate managers find a way to regain¶ their legitimacy, which will allow them to respond to the demands increasingly being made on their organizations to do more to alleviate the¶ poverty that plagues much of the world. But they can do so only with the help of leaders of international development institutions and non¶ governmental organizations concerned with poverty reduction. Together, these two groups—corporations and development organiza-tioNs—can make more effective use of their resources and capacities¶ to ameliorate developing-country poverty.¶ We realize that we are not alone in recognizing the decline of corporate legitimacy around the world. Let us list a few points. First, this¶ decline is rooted in a number of factors, including revelations of large-¶ scale abuse in corporate governance as well as changing public expectations concerning the impact of global companies on society. In addition,¶ the old ideas from which multinational corporations (MNCs) derive¶ their legitimacy are proving inadequate: maximizing shareholder value¶ by competing to satisfy consumer desires in the marketplace is not¶ enough. Corporations are increasingly being pressed to serve a variety¶ of community needs. Normally this pressure is applied by governments¶ that define those needs and impose regulations to ensure that they are¶ met. The problem is that there are some needs—notably poverty reduction in the developing world—which many governments are not only¶ unwilling or unable to fullfill by themselves but are also reluctant or¶ unable to press corporations to address. Thus, the corporation suffers a¶ legitimacy problem in that it is not fulfilling expectations; it is not serving community needs—including poverty reduction—as well as it can¶ and as well as many think it should. Second, we found these legitimacy problems to be broad-based and¶ unrelenting. There are no signs on the horizon of the decline in MNC¶ legitimacy abating or reversing. This is a huge concern for global business. Presenting a plan on how MNCs can navigate the gap is imperative to prevent their floundering through the process, which would cost¶ us—all of us—precious time and resources.¶ Third, our research showed that in recent times the world’s largest¶ companies have often responded imaginatively, if sometimes awkwardly¶ and haphazardly, to the challenge to their legitimacy, principally by¶ working to lessen their environmental impact and better align their activities with social considerations. Notwithstanding varying views on¶ the matter, the manifold forms of corporate social responsibility are one¶ manifestation of this.¶ Fourth, it became clear that despite both this corporate response and¶ the continuing legitimacy problem, the international consensus on the¶ need for global poverty reduction is only growing stronger. It’s as if all¶ of the half-measures that MNCs have adopted have only spurred on those who demand more of them. And MNCs are being called on to¶ do yet more to meet that need. This call is taking on ever greater urgency because of the continuing disappointing results of the broad array¶ of antipoverty efforts led by national and international development¶ organizations.¶ When we reviewed the work and policies of the relevant international¶ development institutions, nongovernmental organizations (NGOs), and¶ national governments, we discovered that the interface between their efforts and the mainstream operations of the world’s major corporations¶ was extremely limited, notwithstanding the existence of a few embryonic¶ pilot and partnership projects. If one agrees that the world’s large corporations are in fact the greatest drivers of wealth creation, then the degree¶ of their separation from formalized international poverty-reduction ef¶ forts is startling. This lack of interaction is all the more surprising given¶ the growing call from many quarters for MNCs to do more to help reduce¶ global poverty and the growing reliance on public-private initiatives in¶ other arenas. This is especially so given the fact that over the years multi¶ national corporate investment and activity has been a—1f not the—major¶ factor in reducing poverty in developing countries.’

B. Resolving wealth disparities solves for conflict and terrorism

Joshua Goldstein, Professor of International Relations – American University, "Changing World Order – Engaging the South", International Relations, 2010, <http://wps.ablongman.com/long_goldstein_ir_7/38/9780/2503754.cw/index.html>, accessed 10-6-2012.

In the last chapter’s “Changing World Order” section, there was mention of how a smallpox epidemic launched from the global South and aimed at the global North would most likely return to do most damage in the South. This quality of global rebound operates from North to South as well. Actions the North takes in the South, such as arming Islamic extremists to fight Soviet occupiers in Afghanistan in the 1980s, come back to haunt the North later—as when Afghan-based Islamic extremists attacked the United States. The problem of unintended consequences of distant actions has been called “blowback.”\*¶ September 2001 demonstrated the increased interdependence of the global North and South. The extreme disparities of wealth and power between North and South create conflicts and resentments that can reach out of the South to punish the privileged citizens of the North who had been oblivious to the problems of poor countries. In the world order of the 1990s, disparities sharpened and prosperity cut unevenly with both winners and losers. The continent of Africa, along with zones of festering war and poverty in countries like Afghanistan, were losers in the 1990s.¶ To let a continent or even a country descend into despair may no longer be practical in the era of terrorism. Their fate ultimately may be the fate of the North that ignores them. This is the century in which desperate African states will be able to press their demands with weapons of mass destruction, and in which fanatics may destroy cities with nuclear weapons. To combat terrorism may—though this is disputed—require addressing poverty, repression, and war throughout the poorest world regions. Furthermore, these issues may be less amenable to unilateral U.S. actions than are military responses to terrorism. Thus, the need to address “root causes” of terrorism may draw the United States into closer cooperation with the UN and other international institutions in the years to come.¶ It is unclear how these relationships will play out in practice. But if in fact the new world order is moving toward closer engagement of the global North with the South, and toward seriously addressing the South’s problems, this move would mark a shift from the world order that was developing in the 1990s, with its sharpened disparities. Do you think that investing in development, democracy, and peace in the world’s poorest countries is an important principle that should govern world order in the era of terrorist attacks? If you think this is a good idea, should it extend globally or just to countries currently “breeding” terrorists? Can Argentina or Democratic Congo fall apart without upsetting the rest of the world? Could all of Latin America or all of Africa? Will the emerging world order bring together the North and South in new ways?

Romney will exploit the CP to beat Obama

By Gayle Tzemach Lemmon October 5, 2012 Can Romney put foreign policy in play? http://blogs.reuters.com/great-debate/2012/10/05/can-romney-put-foreign-policy-in-play/

But as the news – and, just as important, the pictures – out of the Middle East worsen daily, Romney may successfully revisit the conventional wisdom that the White House is invulnerable on foreign policy. For months now, polls have shown that the Obama administration has erased the Republican Party’s traditional lead on national security issues. The public still largely approves of the president on foreign policy – with Obama and Vice President Joe Biden regularly reminding voters that it was Obama who decided to pursue and kill Osama bin Laden. But the recent Washington Post/ABC News poll reveals a trend that Team Romney has already sought to exploit in speeches and on the Wall Street Journal’s editorial pages. In April 2009, two-thirds of registered voters said they approved of the president’s “handling of international affairs.” Five months later, that number dipped to 57 percent. By September 2012, as street protests roiled the Arab world in the aftermath of the YouTube video and questions continued to surround the attacks that led to Stevens’s death, that number fell to 49 percent. And while bin Laden’s May 2011 killing remains the foreign affairs event that trumps all others in Obama’s win column, recent news out of the Middle East leaves the president more open to Romney’s charges that the United States “seems to be at the mercy of events rather than shaping them. We’re not moving them in a direction that protects our people or our allies.”

Historical record, statements by ex-Chinese leaders, a history of espionage, and ideological differences all prove China is a threat\*\*\*

J.R. Nyquist, pub. date: 7-1-05, is the author of a book Origins of the Fourth World War and is currently a regular geopolitical columnist for Financial Sense Online, Financial Sense, “RECENT CHINA REVELATIONS,” accessed: 9-30-09, <http://www.financialsense.com/stormwatch/geo/pastanalysis/2005/0701.html>

On June 9 the Washington Times published a story by Bill Gertz titled Analysts Missed Chinese Buildup. When root assumptions are wrong, basic information will be processed incorrectly. According to Gertz, a “highly classified intelligence report” has concluded that American intelligence missed “several key developments in China in the past decade.” Of course, U.S. intelligence has missed the entire context of the controlled changes in Eastern Europe, the economic strategy of China, the transformation of Venezuela into a hostile beachhead, the shifting of mineral rich South Africa from the capitalist camp to the socialist camp, the arming of rogue dictators by Russia and China (who are bound by a “friendship treaty” that amounts to a military alliance). These items are parts in a larger whole, even if American analysts refuse to see a work in progress. China’s war preparations are deliberate, and the implications should not be passed over lightly. China is a highly secretive country, like all communist countries. The objective of communism is world revolution, the overthrow of global capitalism, the destruction of the free market, the elimination of the international bourgeoisie and the disarming of the United States. We should be puzzled, indeed, if Chinese policy did not follow the communist line (however deviously). Given all this, it is difficult to account for the dismissive attitude of U.S. intelligence experts when regarding Chinese intentions. The China problem is a serious one. “The people … of the countries in Asia, Africa and Latin America should unite,” said Chairman Mao in 1964. “The people of all continents should unite … and so form the broadest united front to oppose the U.S. imperialist policies of aggression and war and to defend world peace.” In terms of today’s peace movement, Mao’s sentiments are up-to-date. They are, I think, a founding inspiration. The supposed “death of communism” may have eliminated a few soiled terms, but not the main idea. The label on old hatreds may be changed, but the content remains the same. And because America is asleep, and the market is buzzing with Chinese goods, the U.S. government has turned a blind eye. The truth about China is worse than inconvenient. It is painful. So a special context has been devised for dismissing inconvenient facts. This context is inculcated at graduate schools, think tanks and in government. The context for understanding international affairs must not admit the existence of a coordinated, secretive and dangerous combination of countries motivated to overthrow the United States. In other words, the existence of a “communist bloc” cannot be admitted. And China’s role within this bloc – above all – must be rated as a “crackpot notion.” And yet, the existence of something identical to the old communist bloc – whatever we choose to call it – is indicated by actions across the board by Russia, the East European satellite countries, North Korea, Vietnam, Cuba and China. Some ideas fall from fashion. But truth is always true, fashion or not. U.S. experts failed to connect the dots regarding China’s development of a long-range cruise missile, a new attack submarine, new ground-to-air missiles, a new anti-ship missile (for sinking U.S. aircraft carriers) and more. China is preparing for war against the United States, specifically. As absurd as it sounds to the economic optimists who think trade with China guarantees peace, the U.S. and China are bound to collide. Anyone who thinks otherwise doesn’t have a sense of history, doesn’t understand communist thinking or the overall policy Beijing has consistently followed since 1949. Communist countries periodically experiment with capitalism, they always seek trade with the West, and they always sink the money and technology they gain thereby into a military buildup. Ultimately, they don’t care about the prosperity of their people, the state of the national infrastructure, personal or press freedom. Some believe that we mustn’t say that China is a threat. Such a statement would be akin to self-fulfilling prophecy. But an honest appreciation of Chinese actions should not be disallowed by an appeasing diplomacy or wishful thinking. The job of the analyst is not to guarantee good relations with countries that are preparing for destructive war. The job of the analyst is to see war preparations, diplomatic maneuvers and economic policies and draw a common sense conclusion about them. If world peace depends on hiding China’s military buildup, then world peace is like your fat uncle dressed in a Santa Claus suit. Saying it’s your fat uncle may ruin Christmas for your little sister, but Santa Claus isn’t a real person – and never will be. On June 27 we read another Washington Times article by Bill Gertz: “Beijing devoted to weakening ‘enemy’ U.S., defector says.” According to Gertz, a former Chinese diplomat named Chen Yonglin says that top Chinese officials consider the United States to be “the largest enemy, the major strategic rival” of China. There is no reason to doubt Mr. Chen’s testimony. He is doubtless telling the truth, which helps to explain China’s rapid military buildup. Chen’s statement underscores a certain lack of symmetry between Beijing and Washington. Top U.S. officials do not consider China to be America’s largest enemy or major strategic rival. Instead, China is viewed as a major trading partner, and U.S. economic interests generally prefer the appeasement of China. Consequently, you will not find the U.S. Congress cutting off favored trading status for China. The White House has carefully avoided any hint that China is considered an “enemy country.” Growing Chinese involvement in Latin America is not viewed with alarm. Politicians refuse to acknowledge that China is building a military alliance with Russia, Cuba, Iran and others. Gertz further tells us that China is engaged in a massive military intelligence-gathering operation against the United States. Chinese agents are working day and night to monitor its enemies as well as Chinese nationals living abroad. Chinese agents are working to influence the military, trade and foreign policies of key countries like Australia, Canada and the United States. China is playing a game of “divide and conquer,” seeking to drive a wedge between America and its traditional allies. In fact, Beijing’s influence operations are so successful that Chinese diplomat Chen’s request for political asylum in Australia was turned down by the Australian government. The Chinese penetration of Canada has been outlined by a joint RCMP-CSIS report titled Sidewinder. According to this report, “Hand in hand with their ethnicity and their commercial obligations, the financial network of the Chinese entrepreneurs associated to the organized crime and to the power in Beijing has grown exponentially and very rapidly in Canada. Their influence over local, provincial and national political leaders has also increased. In the game of influence, several of these important Chinese entrepreneurs have associated themselves with prestigious and influential Canadian politicians, offering them positions on their boards of directors. Many of those companies are China’s national companies."It is difficult for an open democratic society to counter such methods. Those who believe that China is democratizing, by way of capitalism, will be disappointed. Diplomatic defector Chen told the Washington Times that the ruling Communist Party of China has not changed or softened its Marxist-Leninist views. China’s swing toward capitalism is a tactic for building communist military power, not a foundation for Chinese democracy. Americans who invest in China have made a foolish bargain. In a two-part series by Gertz (see Chinese Dragon Awakens) we find that China could be ready for war in two years. China has developed advanced weapons systems through the theft of U.S. technology. America appears unable to secure its military secrets. The attitude of Americans – in government as well as in the private sector – may be characterized as unwary, sleepy or downright sloppy. The Chinese have not only stolen the secret of America’s most advanced nuclear warhead, they have also stolen the secret of our Aegis anti-air weapon system. In a war with China U.S. servicemen will be killed by U.S. technology in Chinese hands. Groundbreaking stories by Bill Gertz, published in the Washington Times, are routinely dismissed or ignored by analysts in and out of government. Four years ago I met a STRATFOR analyst at a conference who turned his nose up at the many stories broken by Bill Gertz. But what about Gertz’s inside sources, his track record of accurate reporting? “No, no,” said the STRATFOR analyst, “the Washington Times is owned by the Moonies.” In other words, we should judge the reporter by the owner of the paper. The Unification Church of the Rev. Sun Myung Moon owns America’s most prestigious conservative newspaper. This fact, however, doesn’t discredit the Washington Times or Bill Gertz any more than the religious affiliation (or atheism) of other newspaper owners. Every owner of every newspaper has a point of view. The owner’s point of view doesn’t negate the truth of Chinese defector testimony or secret U.S. government reports. Where point of view comes into the picture is in the choice of what is news, which facts are pertinent and what context to frame them in. In these choices the Washington Times is not mistaken, and those who ignore the facts are merely cultists in their own right – their minds as closed and bigoted as any that may be found in this or any age.

## 1NR

Restriction is means a specified legal boundary – existing limits on production.

Words & Phrases 2004 v37A p411

Mont. 1916. In view of Const, art. 11, § 12, viding that the permanent funds of certain state titutions shall be "invested under such regulars as may be prescribed by law." such "primary" lan in omitling from the list of securities available for the investment of permanent public funds, county, city, and town bonds, and warrants and school district bonds which do not constitute the only outstanding issue, does not conflict with article 11, § 3, providing that public school funds shall be invested so far as possible "in public securities within the state," including school district bonds issued for the erection of buildings, "under the restrictions to be provided by law"; for the phrase "under the restrictions provided by law" gives the Legislature power to make the discrimination ex-cluding certain securities from the list of those available for investment, the word "restriction" meaning "limitation or confinement within bounds," etc., and the word "restrict" meaning "to restrain within bounds; to limit; to confine."—State v. Stewart, 161 P. 309, 53 Mont. 18.

“The USFG” is the government in Washington D.C. - this means circuit court decisions aren’t topical.

Microsoft Encarta Online Encyclopedia, 2000, <http://encarta.msn.com>

“The federal government of the United States is centered in Washington DC.”

Should means today – it is present tense.

<http://www.catholicculture.org/commentary/otr.cfm?id=3113> unfit for priestly service Novus744 - Oct. 06, 2005

Actually, AbrahamT, most people don't even know what the word "should" means. It is, in actuality, the present tense of the word "shall". It denotes obligation. Meaning that if it says that someone SHOULD do something, it means that he has the OBLIGATION to do it.

There is no restriction – the Appeals Court just affirmed an existing NRC conclusion.

EAC (Environmental Appeal Courts), 4-1-2009, New Jersey DEP v. U.S. Nuclear Regulatory Commission ,” <http://environmentalappealscourt.blogspot.com/2009/04/new-jersey-dep-v-us-nuclear-regulatory.html>

The NRC concluded that terrorist attacks are “too far removed from the natural or expected consequences of agency action” to require an environmental impact analysis and that, in any event, it had already addressed the environmental impact of a potential terrorist act at Oyster Creek through its Generic Environmental Impact Statement [GEIS] and site-specific Supplemental Environmental Impact Statement [SEIS]. The Appeals Court agreed with the NRC and denied the petition for review.

This isn’t predictable all the courts are split.

Ben Schifman, 2010, COLUMBIA JOURNAL OF ENVIRONMENTAL LAW, “¶ The Limits of NEPA: Consideration of¶ the Impacts of Terrorism in¶ Environmental Impact Statements for¶ Nuclear Facilities¶ ,” http://columbiaenvironmentallaw.org/assets/pdfs/35.2/Schifman\_Final.pdf

The Nuclear Regulatory Commission¶ (“NRC”) prepares EISs for the relicensing and construction of¶ nuclear facilities.13¶ Despite the well documented potential of a¶ terrorist attack on these facilities, the NRC has declined to consider¶ the effects of such an attack when preparing EISs.14¶ Further, courts¶ have not provided consistent guidance and circuits are split as to¶ whether such analysis is required

"Restrictions" are direct governmental limitations —- excludes measures the only have limiting effects.

Viterbo 12 (Annamaria, Assistant Professor in International Law – University of Torino, PhD in International Economic Law – Bocconi University and Jean Monnet Fellow – European University Institute, International Economic Law and Monetary Measures: Limitations to States’ Sovereignty and Dispute, p. 166)

In order to distinguish an exchange restriction from a trade measure, the Fund chose not to give relevance to the purposes or the effects of the measure and to adopt instead a technical criterion that focuses on the method followed to design said measure. An interpretation that considered the economic effects and purposes of the measures (taking into account the fact that the measure was introduced for balance of payments reasons or to preserve foreign currency reserves) would have inevitably extended the Fund’s jurisdiction to trade restrictions, blurring boundaries between the IMF and the GATT . The result of such a choice would have been that a quantitative restriction on imports imposed for balance of payment reasons would have fallen within the competence of the Fund. After lengthy discussions, in 1960 the IMF Executive Board adopted Decision No 1034-(60/27). This Decision clarified that the distinctive feature of a restriction on payments and transfers for current international transactions is “whether it involves a direct governmental limitation on the availability or use of exchange as such”.47 This is a limitation imposed directly on the use of currency in itself, for all purposes.

Broadly defining ’restriction’ is bad – obliterates subtleties in meaning, undermines all legal and policy analysis under the topic

Eric Heinze (Senior Lecturer in Law, University of London, Queen Mary. He has held fellowships from the Fulbright Foundation and the French and German governments. He teaches Legal Theory, Constitutional Law, Human Rights and Public International Law. JD Harvard) 2003 "The Logic of Liberal Rights A study in the formal analysis of legal discourse" Variety of ’restrictions’

The term ’restriction’, defined so broadly, embraces any number of familiar concepts: deprivation, denial, encroachment, incursion, infringement, interference, limitation, regulation. Those terms commonly comport differences in meaning or nuance, and are not all interchangeable in standard legal usage. For example, a deprivation may be distinguished from a limitation or regulation in order to denote a full denial of a right (e.g. where private property is wholly appropriated by the state without compensation) as opposed to a partial constraint (e.g. where discrete restrictions are imposed on the use of property which nonetheless remains profitably usable). Similarly, distinctions between acts and omissions can leave the blanket term “restriction” sounding inapposite when applied to an omission: if a state is accused of not doing enough to give effect to a right, we would not colloquially refer to such inaction as a restriction. Moreover, in a case of extreme abuse, such as extrajudicial killing or torture, it might sound banal to speak merely of a restriction on the corresponding right. However, the term “restriction” will be used to include all of those circumstances, in so far as they all comport a purpose or effect of extinguishing or diminishing the right seekers enjoyment of an asserted right (The only significant distinction which will be drawn will be between that concept of restriction and the concept of breach or violation. The terms breach or violation will be used to denote a judicial determination about the legality of the restriction). Such an axiom may seem unwelcome, in so far as it obliterates subtleties which one would have thought to be useful in law. It must be stressed that we are seeking to eliminate that variety of terms not for all purposes, but only for the very narrow purposes of a formal model, for which any distinctions among them are irrelevant.

C. Studies prove—depth is better than breadth.

Arrington 09 (Rebecca, UVA Today, “Study Finds That Students Benefit From Depth, Rather Than Breadth, in High School Science Courses” March 4)

A recent study reports that high school students who study fewer science topics, but study them in greater depth, have an advantage in college science classes over their peers who study more topics and spend less time on each. Robert Tai, associate professor at the University of Virginia's Curry School of Education, worked with Marc S. Schwartz of the University of Texas at Arlington and Philip M. Sadler and Gerhard Sonnert of the Harvard-Smithsonian Center for Astrophysics to conduct the study and produce the report. "Depth Versus Breadth: How Content Coverage in High School Courses Relates to Later Success in College Science Coursework" relates the amount of content covered on a particular topic in high school classes with students' performance in college-level science classes. The study will appear in the July 2009 print edition of Science Education and is currently available as an online pre-print from the journal. "As a former high school teacher, I always worried about whether it was better to teach less in greater depth or more with no real depth. This study offers evidence that teaching fewer topics in greater depth is a better way to prepare students for success in college science," Tai said. "These results are based on the performance of thousands of college science students from across the United States." The 8,310 students in the study were enrolled in introductory biology, chemistry or physics in randomly selected four-year colleges and universities. Those who spent one month or more studying one major topic in-depth in high school earned higher grades in college science than their peers who studied more topics in the same period of time. The study revealed that students in courses that focused on mastering a

(A) It’s modest: the search for truth is restricted by individual ontologies, but, methodologically, we can still test claims without expecting to create a capital “T” truth. An orientation toward a topic encourages a thorough epistemology without restricting creativity and freedom.

Cauthen, 1997

Kenneth Cauthen, the John Price Crozer Griffith emeritus Professor of Theology at Colgate Rochester Crozer Divinity School, “Relativism and Ethics: What is Truth - does it matter?” http://www.bigissueground.com/philosophy/cauthen-relativism2.shtml

I have written on subjects in theology, ethics, and philosophy and developed an outlook at least in minimalist terms that is to me convincing.[5] My intention is to describe reality as it is, to lay out propositions that correspond with the objectively existing state of affairs. Yet such is the depth of my acknowledgment of relativism and my skepticism that I do not find it useful to ask whether statements about God, the meaning of life, and the moral obligations of human beings are literally true or even approximately represent things as they really are. Non-relativists who hold certain positions with great confidence have no alternative but to say that those who disagree with them are wrong. I am not prepared to say that those who disagree with me on moral, metaphysical, and religious matters are wrong. I just say I see it differently and will act on my own convictions in appropriate ways, and that includes opposing those who differ with means proportionate to the seriousness of the issue. I also assume that every other religious, moral, and metaphysical claim is no less relative in principle than mine. Relativism, however, does not preclude passion, commitment, and action in line with one's own relative viewpoint. It ideally produces humility accompanied by acts of love in the quest for justice and an openness to deeper insight. Moreover, all claims about morality and religion can be tested by myself and others but without certain or absolutely conclusive results. The first criterion is theoretical. I can employ the rational test of coherence (internal consistency with all other propositions I affirm) and the empirical test of evidence (adequacy in accounting for the full range of experience). Yet I know that however successful I may be in applying these tests of truth, the outcome is such that only one who stands where I stand will see what I see. All I can say is that this is the best I have been able to come up with so far. Methods of justifying claims are internal to the point of view being tested and part of it, so that no method provides a way of escaping the relativity that marks all belief systems. The second and most important test is practical. Is the outlook useful in interpreting the whole range of my experience in an adequate (rationally plausible) way and in providing guidance in coping with life? When I live by what I find convincing as a rational being, are the results satisfactory and satisfying judged by the best standards available to me up to now as I continue to learn and revise both my theory and my practices? One hopes that learning, maturity, and experience will lead to increasingly adequate and fulfilling ways of believing and living, loving and hoping, thinking and acting. In the end I am a pragmatist who in the presence of the ultimate questions abandons the hope of knowing with certainty what the ultimate answers are. Nevertheless, I find in my own outlook a way of thinking and living more useful and productive than any alternatives available to me at this time. Are my religious and moral convictions literally true? Do they correspond with reality? These questions are interesting but futile. It would be the greatest miracle of all time if out of all the religions and philosophies every produced on this earth, it turned out that my own was the closest of any to getting it right, telling it like it is, picturing objective reality so that the picture and pictured are remarkably alike! I have a better chance of winning the grand lottery at chances of a 100, 000, 000 to 1. Yet I must live some way, believe something, hope for what seems most likely, and die trusting it was not all in vain. I proceed, then, as a relativist, a pragmatist, and a skeptic who employs correspondence theory as far as it will take me, but beyond the ordinary facts of mundane life, that is not very far, especially when one enters the realms of morality and religion.

(B) The impact is large: without this epistemology you should reject all ‘truth claims.’ Questions cannot be answered without crafting them in a way where they can be answered, challenged or analyzed. In this sense, their epistemology is deeply flawed.

Fish, 2002 (Stanley Fish, dean of the College of Liberal Arts and Sciences at the University of Illinois at Chicago, writes a monthly column for the Career Network on campus politics and academic careers, The Chronicle of Higher Education, “Say It Ain't So” June 21, google)

First the belief, devoutly held and endlessly rehearsed, that the purpose of writing is self-expression. The convenience of this belief, for those who profess it, is that they need never accept correction; for if it is their precious little selves they are expressing, the language of expression is answerable only to the internal judgment of those same selves, and any challenge from the outside can be met simply by saying, (as students often do) "I know what I mean," or, more precisely, "I know what I mean." Students who say and believe this will never confront an important truth: Language has its own structure (not unchanging, to be sure, but fixed enough at any one moment to serve as both a constraint and a resource). If you do not submit yourself to the conventional meanings of words and to the grammatical forms that specify the relationships between the objects words refer to, the prose you produce will say something -- language, not you or I, means -- but it will not say what you wanted to say. That's only because your readers will not be inside your head where they might ask the self-seeking expression what it had in mind, but will instead be on the outside processing the formal patterns of your written language and reaching the conclusions dictated and generated by those patterns. In fact, however, what I've just said is a bit misleading because it suggests that fully formed thoughts exist in some inner mental space and manage to make it into the outside world when they are clothed in the proper syntactical and lexical forms. But as everyone used to know before the cult of self-expression triumphed, the ability even to have certain kinds of thoughts depends on the prior ability to produce (and comprehend) certain kinds of sentences. People don't think naturally in the future perfect or in parallel constructions or in the subjunctive mood; rather these grammatical alternatives are learned, and learned with them are the ways of thinking they make possible -- relating to one another on a time-line events or states of being that have not yet happened; lining up persons, objects, and actions in relationships of similarity and opposition; reasoning from contrary-to-fact assertions to assertions about what was or could be done in the past, present, or future. These are complex mental actions, and students will be able to perform them only if their minds are stocked with the right grammatical furniture, with forms that have no specific content but make possible the organization of any content into temporal/spatial arrangements that suggest and make available modes of action in the world. The organization of the world in ways that expand the possibilities of thought and action -- that, not self-expression, is the purpose of writing, and it is preeminently a social purpose. That is, it is a purpose not pursued alone but in conjunction with others to whom one writes (in speeches, essays, letters, memos, directives, proclamations, editorials, books) with the intention of imparting information, or clarifying issues, or establishing truths or bringing about changes or rousing armies or quieting conflicts, or any of the other ends one might work for in the public arena. Writing then is, by and large, an act either of communication or persuasion, and to engage in it successfully, you have to do more than have something to say; you must be prepared to back it up, supply evidence, respond to objections, expose contradictions, parse the arguments of the opposition and so on. You must conceive yourself not as a lone voice singing in the shower, but as a participant in the multiple dialogues that are the vehicles of discursive and political life. But you will not be able to participate effectively if you are content merely to have expressed your opinion. And this brings me to the second reason so many of our students are incapable of writing intelligible sentences or of linking one bad sentence to another in something that approximates an argument. They have been allowed to believe that their opinions -- formed by nothing, supported by even less -- are interesting. The belief that what you're supposed to do is express yourself goes hand in hand with the belief that whatever you happen to express is valuable and if you believe both these things you will not believe that there is any reason to worry about subject-verb agreement or pronouns without nouns or missing transitions or anything else. In response to any question you just say the first thing that comes into your head, and in response to any challenge you just say, "That's my opinion" or "That's what I think," or "My view is as good as yours." No sentiments are more subversive of the possibility of productive classroom activity, and the instructor who hears them coming from the mouths of his or her students should immediately tell them, "Check your opinions, your ideas, your views at the door; they are not fungible currency here." This announcement, which will, at the very least, deliver a salutary shock ("I can't believe she said that"), might possibly open up a space in which writing is taken seriously because it will have identified (by an act of elimination) the true nature of academic work, which is not the work of caressing the self and its effusions, but the work of applying the techniques of reflection, analysis, and critique to matters of general (not personal) concern. But of course no action taken by a single instructor is likely to change very much in the absence of structural changes in the way writing and argument are taught. And here is where the administration comes in. Every dean should forthwith insist that all composition courses teach grammar and rhetoric and nothing else. No composition course should have a theme, especially not one the instructor is interested in. Ideas should be introduced not for their own sake, but for the sake of the syntactical and rhetorical points they help illustrate, and once they serve this purpose, they should be sent away. Content should be avoided like the plague it is, except for the deep and inexhaustible content that will reveal itself once the dynamics of language are regarded not as secondary, mechanical aids to thought, but as thought itself. Of course everyone will resist you, from the students who believe that grammar is a form of tyranny presided over by the academic version of the police, to the instructors who will believe the same and wish not to be policemen, to the experts in composition who will believe that you are incredibly reactionary and desire only to turn back the clock. But persevere, for you will be in the right. And teach such a course yourself, which is what I am going to do next fall. I'll save a place for Larry S. particular topic were impacted twice as much as those in courses that touched on every major topic.